



C.M.A.No.1270 of 2

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

C.M.A.No. 1270 of 2024
and
C.M.P.No. 11466 of 2024

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Villupuram.

...Appellant

Vs.

1.Kamala

2.Minor Harishkuamr

3.Minor Nithish @ Jeevaprakash

4.Minor Hema @ Hema Sri
(Minors 2 to 4 rep. by their mother /
Guardian Kamala / 1st respondent herein)

5.Amaradeepam

6.Semmoorthy

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 30.03.2022 in

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MCOP.No.146 of 2015 on the file of the Motor Accident Claims Tribunal
(Special District Judge) at Villupuram.

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For Appellant : Mr.T.Chandrasekaran

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The Corporation is on appeal. Challenge is to the award of a sum of Rs.16,67,880/- granted as compensation for the death of one Ravi @ Raveendiran in a motor accident that took place on 03.06.2014. The claimants who are wife, children and parents of the deceased had sought for a compensation of Rs.28,00,000/- contending that the accident occurred due to the rash and negligent driving of the bus bearing Registration No.TN-32-N-3105 owned by the respondent / Corporation by its driver. The deceased was an Auto driver and was earning about Rs.12,000/- per month. Due to the death of the said Ravi @ Raveendiran, the family has lost its sole bread winner and therefore, the claimants are entitled to the compensation claimed.

2.The Corporation resisted the claim contending that the deceased

Ravi invited the accident because of his rash and negligent driving. It was
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contended that the driver of the bus had, in fact, stopped the bus on seeing the Auto Rickshaw being driven in a rash and negligent manner coming on the wrong side of the road. It was also contended that the Police had filed a report stating that the accident was caused because of the negligence of the deceased Ravi and therefore, charge has abated.

3.At trial, before the Tribunal, the 1st claimant was examined as P.W.1 and one Settu was examined as P.W.2 and Exs.P1 to P4 were marked. On the side of the respondents, one Mr.Kannan was examined as R.W.1 and final report was marked as Ex.R1. The Tribunal, chose to accept the evidence on P.W.2 on the negligence aspect, since it found that the final report had not been filed before the appropriate Criminal Court. It also found that there are manipulations in the date of the final report.

4. On the quantum, the Tribunal took the monthly income at Rs.6,000/-, added 40% towards future prospects, deducted 1/5 towards personal expenses, applied a multiplier of 17 and arrived at the total loss of dependency at s.13,70,880/- (6720 x 12 x 17). It also awarded Rs.2,64,000/- towards loss of parental consortium, filial consortium and



spousal consortium to the claimants at Rs.44,000/- each. A sum of Rs.16,500/- each was granted towards funeral expenses and loss of estate.

Thus, the total compensation awarded to Rs.16,67,880. Aggrieved, the Corporation is on appeal.

5. We have heard Mr.T.Chandrasekaran, learned counsel appearing for the Corporation.

6. The learned counsel for the appellant / Corporation would vehemently contend that the Tribunal was not justified in ignoring the final report and concluding that the bus driver was entirely responsible for the accident. He would further submit that once the Police have concluded that the charge abates, the final report of the Police has some evidentiary value therefore, the Tribunal ought not to have brushed it aside and gone by the evidence by P.W.2, the alleged eye-witness. Though the learned counsel would attempt to argue the quantum of compensation is on the higher side, he is unable to make any attack on the quantum of compensation, since the Tribunal has strictly gone by the judgments of the Hon'ble Supreme Court in *National Insurance Company Limited Vs. Pranay Sethi and Others*



reported in *(2017) 16 SCC 680* and *Sarla Verma and Others Vs. Delhi*

Transport Corporation and Another reported in *(2009) 6 SCC 121*. We

have considered the submissions.

7. We are unable to agree with the contention regarding negligence.

The final report which is marked as Ex.R1 has been placed before us. As rightly pointed out by the Tribunal, there is nothing to show that this final report was placed before the appropriate Criminal Court. We also find that there are alterations in the data which leads us to agree with the conclusions of the Tribunal that it will be dangerous to rely upon the final report which has not been filed in the Criminal Court. The Tribunal, on appreciation of the evidence on record has come to the conclusion that the accident has occurred due to the rash and negligent driving of the driver of the bus.

8. Having accepted the conclusion of the Tribunal regarding the evidentiary value of the final report, we do not see any reason to interfere with the conclusion on negligence. As already pointed out, the quantum of compensation awarded is very reasonable and the methodology adopted has been strictly in conformity with the judgments of the Hon'ble Supreme Court referred to supra. Hence, we do not see any reason to interfere with the



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award of the Tribunal. This Civil Miscellaneous Appeal fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (R.S.V., J.)
05.07.2024

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Internet: Yes

Index: No

Speaking

Neutral Citation : No

To:-

The Motor Accident Claims Tribunal,
Special District Court,
Villupuram.
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